UNITED	STATES D	ISTRICT	COURT
EASTERN	DISTRICT	MASSACE	HUSETTS

MARK M. THORNTON,
Plaintiff

V.

)CIVIL ACTION No. 03-12521-RGS

NORTHEAST BUILDERS TRANSPORT, INC. And BARRY N. EHRSTEIN, Defendants

PLAINT: FF'S ASSENTED TO MOTION FOR APPROVAL OF SETTLEMENT OF THIRD PARTY CLAIM AND RELATED WORKER'S COMPENSATION CLAIM

NOW COMES the Plaintiff, Mark M. Thornton, by and through his attorneys, Barry & Honorow, P.L.L.C., and submits this Assented to Motion for Approval of Settlement to the Honorable Court:

- 1. The Plaintiff, Mark M. Thornton, brought suit against the Defendants for injuries arising out of an accident which occurred on January 22, 2001 when the Plaintiff was operating a motor vehicle under the authority of his employer, Bristol Meyers Squibb Company. The Plaintiff was struck from behind by the Defendant, Barry N. Ehrstein, an employee of Northeast Builders Transport, Inc., causing injury to the Plaintiff.
- 2. The Plaintiff was paid by his Employer's Workers
 Compensat: on Carrier, American Home Assurance Company, by its
 recovery unit, American International Recovery, Inc. for his lost
 pay, and the medical bills incurred. The total of the lien to
 this date is the sum of \$56,681.49.

- 3. This matter was settled at a private Mediation on July 6, 2005 for the sum of \$225,000.00.
- 4. The Workers Compensation carrier has agreed to reduce their lien from the full amount due them to approximately 2/3rds of the total amount lien due, which would be the sum of \$37,787.66 to be paid to the carrier.
- 5. In consideration of the reduction of the lien amount reduction, the Plaintiff has agreed to waive his right to any further permanent impairment or lump sum award from his employer.
- 6. That the breakdown of the settlement and the proposed distribution of the settlement proceeds is as follows:

TOTAL SETTLEMENT	\$225,000.00
Barry & Honorow Legal Fees	\$ 75,000.00
Barry & Honorow Expenses (compromised	amount)\$ 2,212.34
American International Recovery, Inc.	\$ 37,787.66
Plaintiff	\$110,000.00

WHEREFORE, the Plaintiff, Mark M. Thornton, as assented to by the Defendants, Barry N. Ehrstein and Northeast Builders

Transport, Inc., as represented by its counsel, Donovan Hatem

LLP, and as assented to by the Workers Compensation Carrier,

American Home Assurance Company, by its recovery unit, American

International Recovery, Inc., by J.R. Adams, moves for the

immediate approval of this Settlement and an order which allows
the following distributions from the settlement proceeds:

Barry & Honorow Legal Fees	\$	75,000.00
Barry & Honorow Expenses	\$	2,212,34
American International Recovery, Inc.	\$	37,787.66
Plaintiff	\$:	110,000.00

Respectfully submitted,

MARK M. THORNTON

BARRA & HONDROW, P.L.L.C.

Dated: 7/29/0

William H. Barry III Massachusetts BBO#545547 161 Kinsley Street

Nashua, New Hampshire 03060

603-883-0474

CERTIFICATE OF SERVICE

Or this the ______ day of July, 2005, I hereby certify that a copy of the within Plaintiff's Assented to Motion for Approval of Settlement of Third Party Claim and Related Worker's Compensation Claim has been forwarded by first class mail, postage prepaid, to Michael Weinberg, Esquire, opposing counsel, and J. R. Adams for American Home Assurance Company, by its recovery unit, American International Recovery, Inc.

William H. Barry III